

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

BEVERLY LOUGH,

Plaintiff,

v.

Civil Action No. 1:19-cv-139
(Judge KleeH)

ANDREW M SAUL, Commissioner
of Social Security,

Defendant.

**ORDER ADOPTING THE REPORT AND RECOMMENDATION [DKT. NO. 15],
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [DKT. NO. 11],
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [DKT. NO. 13],
AND REMANDING THIS MATTER TO THE COMMISSIONER**

Pursuant to 28 U.S.C. §636(b)(1)(B), Rule 72(b), Federal Rules of Civil Procedure and Local Court Rule 4.01(d), on July 19, 2019, this Court referred this case to United States Magistrate Judge James P. Mazzone with directions to submit proposed findings of fact and a recommendation for disposition.

On April 27, 2020, Magistrate Judge Mazzone filed his Report and Recommendation ("R&R"), and directed the parties, in accordance with 28 U.S.C. §636(b)(1) and Rule 6(e), Fed. R. Civ. P., to file any written objections with the Clerk of Court within fourteen (14) days after being served with a copy of the R&R [Dkt. No. 15 at 12]. He further directed the parties that failure to file objections would result in a waiver of the right to appeal from the judgment of this Court [Id.]. The parties did not file any objections.

Upon consideration of Magistrate Judge Mazzone's recommendation and having received no written objections,¹ the Court **ADOPTS** Magistrate Judge Mazzone's R&R in whole and **ORDERS** that this civil action be disposed of in accordance with the recommendation of the Magistrate. Accordingly, the Commissioner's Motion for Summary Judgment [Dkt. No. 13] is **DENIED**, and the Plaintiff's Motion for Summary Judgment [Dkt. No. 11] is **GRANTED**. The Court orders that this matter be **REMANDED** to the Commissioner for consideration pursuant to the recommendations contained in the Magistrate Judge's Report and Recommendation [Dkt. No. 15]. This civil action is **DISMISSED WITH PREJUDICE** and **RETIRED** from the docket of this Court.

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court **DIRECTS** the Clerk of Court to enter a separate judgment order and to transmit copies of this Order to counsel of record.

DATED: August 27, 2020

/s/ Thomas S. Klee
THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE

¹ The failure of the parties to object to the Report and Recommendation not only waives their appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).